

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

EWASTE CENTER INCORPORATED
5788 Smithway Street
Commerce, California 90040

CAR 000 169 094

Respondent.

Docket HWCA 2007 1425

CONSENT ORDER

Health and Safety Code
Section 25187

1. INTRODUCTION

1.1. Parties. The California Department of Toxic Substances Control (Department) and Ewaste Center, Incorporated (Respondent) enter into this Consent Order (Order) and agree as follows:

1.2. Site. Respondent receives, handles, treats and/or stores cathode ray tubes (CRTs) and universal waste electronic devices (UWEDs), both hazardous wastes, at 5788 Smithway Street, Commerce, California 90040 (Site).

1.3. Inspection. The Department inspected the Site on April 18, 2007.

1.4. Authorization Status. The Respondent does not have a state permit to manage hazardous waste, but has notified the Department of its intent to operate as a CRT material and UWED shandler under the requirements provided in California Code of Regulations, title 22, division 4.5, chapter 23 related to the treatment of CRTs and UWEDs.

1.5. Jurisdiction. Health and Safety Code, section 25187, authorizes the Department to order action necessary to correct violations and to assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

1.6. Full Settlement. This Order shall constitute full settlement of the violations alleged below. The Parties, and each of them, agree that this Order, and all of the terms contained herein, are fair, reasonable, and in the public interest. By agreeing to this Order, the Department does not waive any right to take other enforcement actions except as specifically provided in this Order.

1.7. Hearing. Respondent waives any and all rights to a hearing in this matter.

1.8. Admissions. Respondent admits the violations as alleged in Section 2 below.

2. VIOLATIONS ALLEGED

2.1 The Department alleges the following violations:

2.1.1. The Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (c)(1), in that on or about April 18, 2007, Respondent failed to remove yoke without breaking the CRT glass.

2.1.2 Respondent violated California Code of Regulations, title 22, section 66273.83, subsection (d)(1)(A), in that on or about April 18, 2007, Respondent failed to notify the Department no later than 30 days prior to treating or recycling CRT material.

2.1.3. The Respondent violated California Code of Regulations, title 22, sections

66273.87, subsection (a) [CRTs] and 66273.37, subsection (a) [UWEDs], in that on or about April 18, 2007, Respondent failed to immediately contain all releases of UWEDs and CRT materials and residues from CRT material and universal wastes, respectively.

2.1.4. The Respondent violated California Code of Regulations, title 22, section 66273.33, subsection (d)(1)(B) [UWEDs] and 66273.83, subsection (a)(2) [CRTs], in that on or about April 18, 2007, Respondent failed to immediately cleanup and place in a container any UWEDs and CRTs material that is broken or shows evidence of breakage, leakage, or damage.

2.1.5. The Respondent violated California Code of Regulations, title 22, section 66273.86, subsection (b) [CRTs] and section 66273.36, subsection (b), in that on or about April 18, 2007, Respondent failed to provide initial training to its employees on handling CRTs and UWEDs.

3. SCHEDULE FOR COMPLIANCE

3.1. Respondent has corrected the violations cited in Section 2.

3.1.1. Respondent shall make all payments at the time(s) and in accord with any other conditions set forth in Section 5 (Penalty) below.

4. OTHER PROVISIONS

4.1. Liability. Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondent, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondent may be required

to take such further actions as are necessary to protect public health or welfare or the environment.

4.2. Penalties for Noncompliance. Failure to comply with the terms of this Order may subject Respondent to costs, penalties and/or damages, as provided by Health and Safety Code, section 25188, and other applicable provisions of law.

4.3. Parties Bound. This Order shall apply to and be binding upon Respondent and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations, and upon the Department and any successor agency that may have responsibility for and jurisdiction over the subject matter of this Order.

4.4. Integration. This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except as provided in this Order.

5. PENALTY

5.1. Respondent shall pay the Department a total of \$7,500.00 as a penalty. The payments shall be paid in three installments of \$2,500.00 each, and are due and payable as follows: October 1, 2007, January 1, 2008, and April 1, 2008. Any installment payment that is received by the Department more than 15 days after it is due will be subject to a \$250.00 penalty, such penalty shall be paid by Respondent no later than the due date of the next installment payment .

5.2. Respondent's check(s) shall be made payable to Department of Toxic

Substances Control, and shall identify the Respondent and Docket Number, as shown in the caption of this case, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check(s) shall be sent to:

Robert Kou, Unit Chief
Enforcement and Emergency Response Program
Department of Toxic Substances Control
1011 North Grandview Avenue
Glendale, California 91201

and

Ramon Perez, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
9174 Sky Park Court, Suite 150
San Diego, California 92123

5.3. If Respondent fails to make payment as provided above, Respondent agrees to pay interest at the rate established pursuant to Health and Safety Code, section 25360.1, and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

5.4. Respondent hereby agrees to send one of its employees to the California Compliance School, Modules I through IV. Attendance of each and every module must be completed and respondent must submit a Certificate of Satisfactory Completion issued by the California Compliance School to the Department within 185 days of the date of this Order. In recognition of this educational investment, the penalty imposed by

this Order has been reduced by \$2,500.00 provided the employee satisfactorily completes the specified modules and the Department receives the Certificate of Satisfactory Completion within 185 days of the effective date of this Order. If Respondent fails to submit the Certificate of Satisfactory Completion as required, the penalty of \$2,500.00 becomes due and payable within 30 days after the 185 day period expires. The 185-day period may be extended by a Department Branch Chief upon a written request from the Respondent demonstrating good cause.

6. EFFECTIVE DATE

6.1. The effective date of this Order is the date it is signed by the Department.

Dated: 8/13/07

Original signed by Dana Jung
Respondent Signature

Dana Jung
Print Name

Vice President
Title

Dated: 8/16/07

Original signed by Robert Kou
Robert Kou, Unit Chief
Department of Toxic Substances Control
Statewide Compliance Division